

Appendix B**Proposed Deadlines**

The Parties have discussed the proposed deadlines set out in Appendix B of the to the Court's November 20, 2012 Order Governing Proceedings (Dkt # 19), and have agreed to the following proposed schedule (proposed modifications of the deadlines set forth in Appendix B and/or the E.D. Tex. Patent Rules are indicated in underscore and ~~strike through~~).

| <u>MEASURE</u> | <u>DATE</u> | <u>EVENT</u> |
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| 10 days after Mgmt Conf. | January 28, 2013 | P.R. 3-1 Disclosure of Asserted Claims and Infringement Contentions (and P.R. 3-2 document production) to be served. |
| 5 weeks after Mgmt Conf. | February 21, 2013 | Join Additional Parties |
| To be discussed at Mgmt Conf. | t/b/a | Mediation. If the parties agree that mediation is an option, the Court will appoint a mediator or the parties will mutually agree upon a mediator. If the parties choose the mediator, they are to inform the Court by letter the name and address of the mediator. |
| 7 weeks after Mgmt Conf. | March 7, 2013 | Privilege Logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents). |
| 7 weeks after Mgmt Conf. | March 7, 2013 | P.R. 3-3 Invalidity Contentions (and P.R. 3-4 document production) to be served. To extent not already required to be disclosed, exchange Mandatory Disclosures other than information directed solely towards damages. |
| 10 Days after Invalidity Contentions | March 21, 2013 | Parties to exchange proposed terms for construction and identify any claim element governed by 35 U.S.C. § 112, ¶ 6 (P.R. 4-1). |
| 20 Days after Proposed Terms for Construction | April 15, 2013 | Parties to exchange preliminary proposed claim construction and extrinsic evidence supporting same (P.R. 4-2). |
| 13 weeks after Mgmt Conf. | April 18, 2013 | Parties' Final Amended Pleadings (It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings except to the extent the amendment seeks to add a new patent in suit). |

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| 60 Days after Invalidity Contentions | May 9, 2013 | Joint Claim Construction and Prehearing Statement to be filed (P.R. 4-3). Provide an estimate of how many pages are needed to brief the disputed claims. |
| 16 weeks after Mgmt Conf. | May 9, 2013 | Respond to Amended Pleadings |
| 30 Days after Joint Claim Construction Stmt | June 5, 2013 | Completion date for discovery on claim construction (P.R. 4-4). |
| 45 Days after Joint Claim Construction Stmt | June 20, 2013 | Opening claim construction brief (P.R. 4-5(a)). |
| 14 Days after Opening Claim Construction Brief | July 8, 2013 | Responsive claim construction brief (P.R. 4-5(b)). |
| 7 Days after Responsive Claim Construction Brief | July 18, 2013 | Reply claim construction brief (P.R. 4-5(c)). |
| 4 weeks before claim construction hearing | June 27, 2013 | Submit technology synopsis (both hard copy and disk). |
| 2 weeks before claim construction hearing | July 11, 2013 | Parties to file joint claim construction and chart (P.R. 5(d)). Parties shall work together to agree on as many claim terms as possible. |
| 2 days before claim construction hearing | July 23, 2013 | Possible tutorial |
| | July 25, 2013 | Claim construction hearing at 10:00 a.m., in Beaumont, TX. |
| 5 weeks after claim construction hearing | August 29, 2013 | Provide Initial Mandatory Disclosures of information directed solely to damages. Deadline for Initial Mandatory Disclosure of all persons, documents, data compilations and tangible things, which are relevant to a claim or defense of any party and which has not previously been disclosed. This deadline is not an extension of earlier deadlines set out in this court's order or the Patent Rules, nor an excuse to delay disclosure of information. It is a "catchall" deadline for provision of all remaining information which may be relevant to a claim or defense of any party at trial. |

Appendix B – Proposed Deadlines

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| <u>13</u> 9 weeks after claim construction hearing | October 24, 2013 | Parties with burden of proof to designate Expert Witnesses other than claims construction experts and provide their expert witness reports, to include for ALL experts all information set out in Rule 26(2)(B). |
| Date set in docket control order | September 26, 2013 | Comply with P.R. 3-7. (Designation of Willfulness Opinions). |
| <u>17</u> 11 weeks after claim construction | November 21, 2013 | Parties to Designate Expert Witnesses on issues for which the parties do not bear the burden of proof, and provide their expert witness report, to include for ALL experts all information set out in Rule 26(2)(B). |
| <u>25</u> 13 weeks after claim construction hearing | January 16, 2014 | File Dispositive Motions and any other motions that may require a hearing. Regardless of how many dispositive motions a party files, each party is limited to a total of sixty pages for such motions. Each individual motion shall comply with Local Rule CV-7. Responses to motions shall be due in accordance with Local Rule CV-7(e). Note: Objections to any expert, including Daubert motions, shall be filed within 3 weeks after the expert's Report has been disclosed. Such objections and motions are limited to ten pages each. |
| <u>21</u> 13 weeks after claim construction hearing | December 19, 2013 | Discovery Deadline. All discovery must be served in time to be completed by this date. |
| 5 weeks before docket call | April 24, 2014 | Notice of intent to offer certified records |
| 5 weeks before docket call | April 24, 2014 | Counsel and unrepresented parties are each responsible for contacting opposing counsel and unrepresented parties to determine how they will prepare the Joint Final Pretrial Order (See Local Rule CV-16(b) and Proposed Jury Instructions and Verdict Form (or Proposed Findings of Fact and Conclusions of Law in nonjury cases). |
| 4 weeks before docket call | May 1, 2014 | Video Deposition Designation due. Each party who proposes to offer a deposition by video shall serve on all other parties a disclosure identifying |

Appendix B – Proposed Deadlines

the line and page numbers to be offered. All other parties will have seven calendar days to serve a response with any objections and requesting cross examination line and page numbers to be included. Counsel must consult on any objections and only those which can not be resolved shall be presented to the court. The party who filed the initial Video Deposition Designation is responsible for preparation of the final edited video in accordance with all parties designations and the court's rulings on objections

3 weeks before docket call May 8, 2014

Motions in limine due

File Joint Final Pretrial Order. See Local Rules Appendix D (Obtain form for Exhibit List from District Clerk's Office, or create an Exhibit List form that mirrors the District Clerk's form).

Exchange Exhibits and deliver copies to the court. At this date, all that is required to be submitted to the court is a hyperlinked exhibit list on disk (2 copies) and no hard copies

2 weeks before docket call May 15, 2014

Response to motions in limine due

File objections to witnesses, deposition extracts, and exhibits, listed in pre-trial order. (This does not extend the deadline to object to expert witnesses). If numerous objections are filed the court may set a hearing prior to docket call.

File Proposed Jury Instructions/Form of Verdict (or Proposed Findings of Fact and Conclusions of Law).

May 29, 2014

Final Pretrial at 9:00 a.m., in Beaumont, Texas.

Date parties should be prepared to try case. Provide court with two copies of most updated Exhibit list. Absent agreement of the parties, this should not have exhibits which were not listed in the Final Pre- Order, but may have some deletions depending on rulings on objections. At this date, the parties should be prepared to give the Deputy Clerk one hard copy of the exhibits.

June 2, 2014

9:00 a.m. Jury Selection and Trial.

Appendix B – Proposed Deadlines